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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

CATHERINE E. FRIAS,

Case No.

Plaintiff,

vs.

NOTICE OF REMOVAL **CV '10 - 1444** **AC**

DOUGLAS M. PRATT, an individual;
PRINCE TELECOM, INC., and/or its/their
unknown business entity and/or subsidiary, a
foreign business corporation; and PRINCE
TELECOM, LLC, and/or its/their unknown
business entity and/or subsidiary, a foreign
Limited Liability Company,

Defendants.

TO THE CLERK OF THE COURT:

PLEASE TAKE NOTICE that, pursuant to 28 USC §§1141 and 1446, defendants hereby
remove to this Court the case now pending in Multnomah County Circuit Court as Catherine E.
Frias vs. Douglas M. Pratt, an individual, Prince Telecom, Inc. and/or its/their unknown business
entity and/or subsidiary, a foreign business corporation; and Prince Telecom, LLC, and/or its/their

unknown business entity and/or subsidiary, a foreign Limited Liability Company, Case No. 1010-15181. All defendants join in this removal.

As grounds for removal, defendants state as follows:

**NOTICE OF REMOVAL IS TIMELY AND
ALL DEFENDANTS JOIN IN THE REMOVAL**

1. On October 20, 2010, plaintiff filed a complaint in this action now pending in Multnomah County Circuit Court. Pursuant to 28 USC §1446(a), all state court papers served on defendants at the time of removal, consisting of the Complaint, the Summonses, and the Affidavits of Service, are attached as Exhibit 1.

2. This Notice of Removal is timely filed under 28 USC §1446(b), which provides that a notice of removal must be filed within 30 days after a defendant receives, by service or otherwise, the initial pleading. As of the date of filing this Notice of Removal, defendants Prince Telecom, Inc. and Prince Telecom LLC were served with process on November 2, 2010 with the mailing required by ORCP 7D(2)(b) made on November 4, 2010 and defendant Douglas Pratt was substitute-served with process on October 31, 2010 with the mailing required by ORCP 7D(2)(b) made on November 4, 2010. See Exhibit 1, pp. 10-18.

3. All defendants join in this removal.

4. No further proceedings have been had in the Circuit Court of Multnomah County, Oregon, as of the date of filing of this removal.

DIVERSITY JURISDICTION EXISTS

5. Defendants Prince Telecom, Inc. and Prince Telecom, LLC are Delaware corporations with their principal places of business in Delaware and Florida.

6. Defendant Douglas Pratt is a citizen of the State of Washington.

7. Plaintiff is believed to be a citizen of the State of Oregon.

8. Plaintiff's complaint asks for damages of over \$75,000, and thus the amount in controversy exceeds \$75,000 exclusive of interest and costs.

REMOVAL TO THIS DISTRICT IS PROPER

9. This Court has original jurisdiction over this action pursuant to 28 USC §1332: plaintiff and defendants are citizens of different states and the matter in controversy exceeds the sum of \$75,000 exclusive of interest and costs. Therefore, defendants may remove this case to this Court pursuant to 28 USC §1441(a).

10. Defendants are providing to the plaintiff, through her attorney, written notice of the filing of this Notice of Removal.

11. Defendants are filing a Notice of Removal with the Clerk of the Circuit Court of Multnomah County, Oregon, where the action is currently pending.

DATED: November 23, 2010.

MacMILLAN, SCHOLZ & MARKS, P.C.



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